

SELECTMEN'S MEETING
Monday, June 8, 2009

On June 8, 2009, the Board of Selectmen held a meeting at 7:00 PM at the Lakeville Library. The meeting was called to order by Chairman Maksy at 7:07 PM. Selectmen present were: Selectman Maksy, Selectman Yeatts and Selectman Evirs. Also present were: Rita Garbitt, Town Administrator, Tracie Craig, Executive Assistant and Christine Weston, Recording Secretary.

Gary Mansfield, Chairman of the Finance Committee, called the Finance Committee to order at 7:07 PM. Members present were: Michael Petruzzo, Melissa Hopkins, James Hanlon, Steve Olivier and Gary Mansfield.

7:00 PM Liquor License Alteration Hearing-LeBaron Hills Country Club

Robert Mather, Esquire, representing LeBaron Hills Country Club, was present for the discussion. Selectman Evirs recused himself from the discussion since he is a member of the LeBaron Country Club.

Selectman Yeatts read the hearing notice into the record. Attorney Mather stated that the owners originally applied for an All Alcohol Common Victuallers License and it was granted. However, the ABCC saw the word "club" on the paperwork and changed it to a "Club" license. Ms. Craig noticed the change on the paperwork and the ABCC determined that the license had to be corrected.

In regards to the Alteration of Premises, Attorney Mather stated that the owners understood that the golfers and the beverage cart cannot cross over the drive paths or parking lots with any open beverages. It has been proposed to install a sign that says No Alcoholic Beverages Beyond This Point. It is also understood that the operator must be trained, just like the waiters and waitresses are regarding the serving of alcohol. The cart takes about 1.5 to 2 hours to make a complete route. Drinks are limited to two (2) drinks per person at one (1) time. The golfers will have access to the cart possibly two (2) or three (3) times during a round of golf. There have been no problems at LeBaron in the past in regards to their license, and the owners are open to any suggestions and conditions that the Board would impose. Only one (1) cart is being proposed at this time.

Upon a motion made by Selectman Yeatts, with Chairman Maksy stepping down to second and stepping back up to vote, it was:

VOTED: To approve the Alteration of Premises for LeBaron Operating Company LLC, dba LeBaron Country Club located at 183 Rhode Island Road, Lakeville, MA, as follows: there will be no alcoholic beverages in the parking lot or maintenance area at any time; there will be proper signage indicating no beverages in the parking lot; there will be a limit of two (2) drinks per person per visit of the beverage cart; there will be properly placed trash barrels and recycling containers,

including at the entrance to the parking lot; and the beverage cart will stop serving 30 minutes prior to sunset.

Two in favor with Selectman Evirs recusing himself.

Upon a motion made by Selectman Yeatts, with Chairman Maksy stepping down to second and stepping back up to vote, it was:

VOTED: To change the license type from a Club to an All Alcohol Common Victuallers License for LeBaron Operating Company LLC, dba LeBaron Hills Country Club
Two in favor with Selectman Evirs recusing himself.

7:30 PM Review Special and Annual Town Meeting Warrants

Chairman Maksy said that the Board would review the articles on the Special Town Meeting Warrant.

Upon a motion made by Selectman Evirs, seconded by Selectman Yeatts it was:

VOTED: To waive the reading of the Special Town Meeting Warrant.
Unanimous in favor.

The Special Town Meeting warrant articles were reviewed first, Articles 1-4.

Article 1 – Ms. Garbitt explained that this article is the annual housekeeping article. There are more commitments that went out for the Motor Vehicle Excise Tax, so this is not the final number. Article 2 – Ms. Garbitt said she did not have the final figure on this article at this time. Daniel Hopkins, Chairman of the Park Commission, asked if this is the money from the Park Department. Ms. Garbitt stated that the Park Department voted to give back \$10,000 for the 9C cuts, but the Town was still short \$57,000. The Selectmen had asked her to send a letter to the Park Commission regarding the possibility of not opening Clear Pond this season and to take back a little more from their budget. Mr. Hopkins stated that the Selectmen and the Park Commission should have met to speak on this. The Park Department does not have the kind of money that you are looking for. We have \$11,000 right now since we can deficit spend until we get money in June.

Chairman Maksy said the idea behind this was that the Pond lost money and it did not provide revenue. Selectman Yeatts said the rationale was that if we do not pass an override and are in dire straits, we could not justify opening Clear Pond. We cannot justify it if we are laying off police and fire personnel. Mr. Hopkins said the problem is that we are an Enterprise Fund and this is how we bring in our revenue. The Town gave us money in our budget so that we did not have to do certain things at Ted Williams Camp, like having campers in to rent sites. That brought in \$12,000 each year, and now we do not have that. We used to have two (2) rental properties at the Camp, and we no longer have those. We were supposed to get a portion of the rental fees from the cell tower, but we do not. So how are we to get the funds? We do what we can with the sports organizations, but if we go up on the fees, the organizations will have to increase their fees. We are trying to figure out how we will run on the little bit of money that we

have. We will take money out of retained earnings, but it will not be what everyone expects. So if we close Clear Pond then that is another \$12,000 lost. Selectman Yeatts said based on the total expense to open Clear Pond Park against its revenue, it shows a net loss. Mr. Hopkins said it is really not a loss since we bring in the most money in June when people purchase their passes. We are providing a service to the townspeople. Darryl Bernier of the Park Commission said he was concerned about kids climbing the fence and going swimming if the Pond was closed. Chairman Maksy said the Board's understanding was that it was a \$20,000 loser. Mr. Bernier said it is not. That money we get back helps us to pay our bills for all our parks. We want to create more revenue so that we do not have to put the burden on the taxpayer. We are asking that you bear with us for another year so we can be more self sufficient.

Selectman Evirs said at the last meeting, we saw so many layoffs taking place that it seemed unwise to pay money to keep the Parks open. We have always supported the Parks and have made sure that it has not gotten cut. It is an Enterprise Account and they are able to spend the money as they wish. We did take people back from the Park, but we will be laying people off at the Highway Department. A few months ago when we started our budget meetings and all the problems were surfacing, the Park Commission indicated that they had money, but were holding it as reserve to open the Pond. We do not know how much that is, but we were going to suggest that they return the money and not open the Pond. It is still a facility that loses money. July 1st we will be laying people off. The State has decided to not open certain parks. The Park Commission meets the same nights as the Selectmen so unfortunately we have been unable to meet together. Ms. Garbitt said she would like to follow up on Enterprise Accounts. We are going to have to start assessing the Park Enterprise just like we are assessing the Landfill for Town services, such as the Town Accountant, Treasurer's Office, etc. The DOR has mandated that we start doing that since the Enterprise regulations have changed. Barry Evans of the Park Commission asked if they have a choice of whether to use the Town Accountant. Ms. McRae said the Park Department is a Town Department and Town Departments are operated by Town Officials. The information is in the new Enterprise handbook from DOR. A percentage of your overall budget would be charged to the Park Department for Town services.

Mr. Mansfield said he was confused about the accounting aspect of the Enterprise Account. If the revenues are received up to June 30th it should be on the FY09 budget, not the FY10. It sounds like you are borrowing the money from the Town until the catch up time. The revenues that are generated in June should be accounted for in June. Mr. Evans said it does. Mrs. McRae said all the revenue is calculated in the month it is received. The July and August programs will be run from the 2010 budget, but the money is often received in the 2009 budget. It all balances out. Ms. Garbitt asked if she should use the Park Department's \$25,000 in Article 1. Chairman Maksy said he did not think that they have that in their budget. Mr. Hopkins said in FY09, the Park brought in \$50,000 but spent \$61,814.00, so we are in the hole. The money that we thought was coming to us was going to be used to balance the budget. We also still have to pay maintenance fees for the mowers. Selectman Evirs said come July 1st there may not be anyone from the Highway Department coming over to mow the lawn. Mr. Evans said that would shut down Ted Williams Camp. Selectman Yeatts asked is it a possibility that the LDC can allow you to use more money than they already are for your projects. Ms. McRae said what is used for an operational budget has to be voted at Town Meeting, unless it is a gift. Selectman Yeatts asked how much are you looking for to open Clear Pond Park. Mr. Hopkins said \$10,000, but we will

take anything at this point. We will also take money out of retained earnings in order to do this. Chairman Maksy asked the Park Commissioners to go back and look at what they have. See if you have extra to give up now and then we can talk about FY10 after. Selectman Evirs asked what is in the Retained Earning account right now. Ms. McRae said they have a cash balance of \$50,000 right now. They are operating at a profit since the retained earnings have not been transferred to their account yet. Selectman Evirs said we are trying to find money to close out FY09 and what ever we cannot come up with just makes next year's budget worse. Also, we have to cut the contribution from the Town, but in both override budgets, there is money for the Park Department. Selectman Yeatts invited the Park Commissioners to the Finance Committee and Selectmen's meeting on Wednesday night.

Article 3 - Ms. Garbitt stated that another small check came in, and we will have the exact amount for the Finance Committee on Wednesday night. Article 4 - The Town will transfer money from the Water Stabilization Account. The Finance Committee will need to vote their approval on this

Upon a motion made by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To waive the reading of the Annual Town Meeting Warrant.
Unanimous in favor.

Article 1 was explained by Ms. Garbitt.

Upon a motion made by Mr. Olivier, seconded by Mr. Hanlon, the Finance Committee:

VOTED: To approve Article 1.
Unanimous in favor

Article 2- Selectman Yeatts reviewed the article regarding the balanced budget, the \$1 million override budget and the \$1.7 million override budget. She further explained that the Town is trying to go with a raise freeze for all three (3) budgets. Right now there is a raise freeze for Fire, Police and non-union employees of \$72,000. A raise freeze is not included in the School budgets. Richard LaCamera of Powderhouse Road asked regarding the F/L Regional School budget, has the Regional School Committee voted on it, and do they have a certified copy of the budget. It is required by law that the Regional School Committee vote on their budget by March 31st and then present it and certify it. According to the Regional Agreement and State law, they have to have a certified vote for the Town in order for it to be put on the Annual Town Meeting Warrant. Freetown has voted on their share illegally, so now the Town of Lakeville is trying to match their number. Mr. Rodrigues said we will vote on the certified budget at the next meeting on Wednesday. Mr. LaCamera asked whose budget is this. Ms. Garbitt said it is what was received on the assessment sheet from the Region based on the transportation reimbursement rate that the Senate voted on. Mr. LaCamera said his point is, we are talking about cutting budgets and you have added \$250,000 to the Region to subsidize them for the cut in State aid, and you do not have to do that. Selectman Yeatts said we looked that up and transportation is in the Regional Agreement. Mr. LaCamera said no, it is not. It is in other charges, and you can reduce that any way you want to. The Region has not been affected at all

by any of these budget cuts, and this is supposed to be a partnership. Assawompset School is being affected here big time as far as budgets are concerned. He said he will make a motion to reduce the Regional Budget by \$250,000 at Town Meeting. Mr. LaCamera said there seems to be a lot of confusion out there on the override. In order for this to happen, everyone has to be on the same page. Selectman Yeatts said she totally agreed with Mr. LaCamera. She has been to multiple School Committee meetings to try and get the money back. She was led to believe that you could not hold back that transportation money, but if we can, then we will.

Mr. McQueeney said we do not have an agreement with the Teachers so it is inappropriate to talk about it. Ms. Garbitt said she was told by the Superintendent that the Local School Budget submitted did not include raises, but it included step increases and levels. Mr. McQueeney said the Local School Committee will discuss the override on Wednesday night. The override amounts will not be sufficient to keep the 4th grade at GRAIS. The move was proposed by Mrs. Hunter to keep class sizes at a better level. To move them out of a beautiful building that we are paying the bonds for and move 140 students back to Assawompset is a tragedy. Selectman Evirs said on a \$1 million override, we put \$175,000 back into the Stabilization Fund. That leaves \$825,000 with \$523,000 for the Schools. The remainder would be for the Town. When we increase from the \$1 million to the \$1.7 million override, it gives money back to the other Town Departments. However, with all three (3) budgets, the 4th grade goes back to Assawompset. The bulk of the first override goes to the School.

Gordon Goodfellow, Town Moderator, then spoke about how he would be handling Article 1 at Town Meeting. Chairman Maksy stated that Town Counsel will be asked to take the floor to give a brief explanation in the beginning. Mr. Goodfellow stated that it will be a single vote on each budget. Kim Borges of Baker Lane said she was trying to understand how it will work when we have this go to the ballot. There will be three (3) choices and can we vote on more than one (1) choice on the ballot? Selectman Evirs said you will be voting on July 18th on the \$1 million and the \$1.7 million override amounts. You can vote yes to both or yes to one and no to the other, or no to both. If they both pass, the higher dollar amount passes.

Phil Oliveira of County Road said the transportation issue needs to be explored. He is in support of moving the Water Stabilization money over to the Local School budget. We need to help this budget more than we need the water tower right now. Selectman Yeatts said Net School Spending increased by \$390,000 at the Region when we have one (1) less child. That is part of the problem. The Region has an Excess and Deficiency (E&D) fund that maintains a \$1 million balance and our Stabilization Fund is only \$460,000. Selectman Yeatts said she has said all along that if got the \$390,000 back from the Region, then we could reduce the Net School Spending amount and it would go to the Local School, but the Region voted no. Cynthia Bissell of Main Street asked when we vote on the ballot, if we are in favor of the \$1.7 should we then automatically vote for the \$1 million as well. Chairman Maksy said the highest amount that passes prevails. Brian Rose of Cedar Drive said if we are going to give the choices, then we should allocate the money evenly. We should give more to the schools at \$1.7 million. The school does not gain as much as any other Department. Selectman Yeatts said perhaps not percentage wise, but in actual dollar amount they do. Selectman Yeatts said we have taken from the Town Departments year after year after year, and this is a little bit of a catch up for them. Marilyn Mansfield of Forest Park Drive said it was her understanding that the Regional School

Committee could vote to give money back to the Town from the E&D account. They have a responsibility to give to the Local School, which has been cut deeply. Mr. Olivier said we have spent countless hours trying to get the Region to understand that. It is not that the Selectmen did not want to have an override. They wanted to come up with some efficiencies along the way before having to ask for an override. The State has cut our Local Aid 15%. So we are looking to try and get back what the State has cut us over the past two (2) years. We are trying to come up with the best solution for everyone to get through this. Our backs are up against the wall also, and we are not trying to single out any one Department.

Chairman Maksy said he would like to continue on with the warrant since we will be discussing the budget again on Wednesday. The meeting will be at 7:00 PM at the Town Hall. Ms. Garbitt said Mr. Garvey has a question on the Board of Health budget, which is part of Article 2. They wanted to lower the budgets for the Animal Inspector and the Visiting Nurse. Mr. Garvey said the Board of Health voted on the reductions. He proposed reducing the budget to \$2,000. However, they have revisited the Animal Inspector budget, and would like it to remain at the same figure. Ms. Garbitt said she would put the money into the Health Insurance budget. Ms. Garbitt said the Finance Committee will vote recommendations on the budget this Wednesday.

Article 3 – Ms. Garbitt said that is the Town’s annual membership fee for Plymouth County Co-operative Extension Service.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: To recommend approval of the \$200 fee for the Plymouth County Co-operative Extension Service.
Unanimous in favor.

Article 4 - Ms. Garbitt said this is the Plymouth County Retirement article. The Town saves \$12,000 by paying it in full in July instead of biannual payments in July and January.

Upon a motion made by Mr. Olivier; seconded by Mr. Hanlon it was:

VOTED: To recommend approval of the \$642,465.00 for the Plymouth County Retirement Association assessment.
Unanimous in favor.

Article 5 – Ms. Garbitt stated that this article is the tuition for Old Colony Regional High School.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of Article 5.
Unanimous in favor.

Article 6 - Ms. Garbitt stated that this article is on hold since the Region does not have a certified budget. They will be voting on this Wednesday night. Ms. Carboni said the Regional School Committee is planning on voting the numbers on Wednesday and will have a certified budget on Thursday to the Town.

Article 7 – Ms. Garbitt said this is the tuition for Bristol Agricultural High School. We are budgeting \$150,528.00. Ms. Garbitt asked what the deadline is for knowing if all the Bristol Agricultural students will attend or not. Mr. Rodrigues said he would find out.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: To recommend approval of Article 6.
Unanimous in favor.

Article 8 – Ms. Garbitt said this is for Out-of-District Special Education and Transportation Costs. In the balanced budget, this is \$759,837. The latest amount since the cut in Circuit Breaker funds is \$842,000. This is the number being recommended. Ms. Garbitt said she needs an update from Anne St. Pierre, Special Education Director, for the 2010 budget and the current budget. Mr. Rodrigues said he will get that to her tomorrow. Mr. LaCamera asked what percentage they were using. Mr. Rodrigues said it is 42%. Mr. LaCamera said the Finance Committee should ask that the number be verified before Wednesday night's meeting.

Article 9 – Ms. Garbitt said the \$25,000 is for the Recertification of Values for the Board of Assessors.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of Article 9.
Unanimous in favor.

Article 10 – Ms. Garbitt said the Capital Expenditure Plan was approved for \$124,500. The original request was for \$1.4 million.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of \$124,500 for the Capital Expenditure Plan.
Unanimous in favor.

Article 11 – Ms. Garbitt said this article is to purchase a copier for the Town Office Building. The article is for \$10,000. The machine will have a three (3) year maintenance plan at no expense.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: To recommend approval of Article 11.
Unanimous in favor.

Article 12 – Ms. Garbitt explained this is for the lease for the Assessors Vehicle.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of Article 12.
Unanimous in favor.

Article 13 – Ms. Garbitt said this article is for the Town to accept the Chapter 90 funds

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of Article 13.
Unanimous in favor.

Article 14 – Ms. Garbitt said this article is to add any available funds to the Stabilization Fund. Ms. Garbitt explained that under the balanced budget, this amount is \$0. Under the contingency budget, they have included \$175,000. She will check with Town Counsel to see how this should be voted. It may have to be voted contingent upon an override passing. Mr. Olivier said the Finance Committee did not vote on the \$1.7 million override. Ms. Garbitt said if the override passes, the Finance Committee still should make a recommendation on where the money is going to go. Mr. Oliveira asked what the current balance of the Stabilization Fund was. Selectman Yeatts said it is \$460,000.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of Article 14 as follows: a balanced budget with \$0 going into Stabilization or on a \$1 million and \$1.7 million contingency budget, \$175,000 to go into Stabilization Fund.
Unanimous in favor.

Article 15 – Ms. Garbitt said this is to place money in the Reserve Fund. The thought is to put in \$50,000 on a balanced budget, \$0 under a \$1 million budget and \$100,000 on a \$1.7 million budget.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: To recommend to put \$50,000 in the balanced budget, \$0 in the contingency budget of \$1 million, and \$100,000 in a \$1.7 million budget.
Unanimous in favor.

Article 16 – Ms. Garbitt said this article is for repayments to the Septic Repair Loans.

Upon a motion made by Mr. Olivier; seconded by Mr. Hanlon it was:

VOTED: To recommend approval of Article 16.
Unanimous in favor.

Article 17 – Ms. Garbitt said this article allows the Town to assess betterments.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of Article 17.
Unanimous in favor.

Article 18 – Selectman Yeatts said this article is to borrow from the State Revolving Fund (SRF) for the water storage tank and pumping station. Economic development is based on the Town being able to provide water. The Town is looking at a grant for interest forgiveness from Stimulus Money. However, there are items that are not covered, and we can take that money from the Water Stabilization Fund. Selectman Yeatts said so far, we have taken \$100,000 for survey and engineering work. We need a water master plan and other things in order to get the SRF loan. We need to assure them that we will pay them back, so that money is our collateral. Mr. LaCamera asked what if the betterment fees do not cover the cost of the loan. Selectman Yeatts said that is what the Water Stabilization Fund is for. There is a balance of \$1.7 million. Mr. LaCamera asked if the Town would have had to cover the rest. Selectman Yeatts said we have four (4) years of payments covered starting now with the projects. We hope that we can keep going with the mitigation money. It should be \$210,000 a year with the grant money. Mr. LaCamera said when we received the Library grant, we did not need any collateral. Selectman Yeatts said that is how we got it approved since we have the potential to pay it back. Selectman Yeatts said the whole thing with the water tank is that in the future, we are in control of our own water and that is revenue. People will always need water. In the future, we may be able to use our own water from our own well site and only use Taunton as a back up, since we can buy all the lines from Taunton for \$1.

Mr. LaCamera said we have a major budget problem right now. He was concerned about a \$5 million commitment from our Town. This is a gamble. He does not think the water tower would generate that kind of revenue. Selectman Yeatts said we will not generate any revenue for the Town unless we give the water for the projects that are going in right now. DEP is mandating that we cannot connect them up until we do the water tank and are moving forward on fixing our own water situation. Mr. LaCamera asked what the City of Taunton was paying for. This is helping their line as well. Selectman Yeatts said they are waiving the connection fees of \$115,000. As we move forward we will be working on an Inter Municipal Agreement (IMA) with Taunton. Mr. Oliveira said he did not remember this being approved at Town Meeting. Selectman Yeatts said it was. Mr. Oliveira asked if this does not pass, then there would be no water tank. Selectman Yeatts said that was correct.

A motion was made by Mr. Olivier and seconded by Mrs. Hopkins for discussion regarding the recommendation of this article. Mr. Hanlon said we have to use this money that we received from mitigation to solve the water problem at the Town Office Building or we face fines and penalties. Selectman Yeatts said yes, we have contaminated water at the Town Office Building and we need to run a line down to get off the well water. We cannot connect to Taunton water without the water tower. Selectman Yeatts said this will supply the system and fix the dead ends. Mr. Oliveira said if we did not use the money for that purpose, it is not a mandate. Selectman Yeatts said we could be incurring fines daily if we do not fix it. Mr. Oliveira said if

the article is voted down, then the money can be used for other purposes. Ms. Garbitt said the Town did vote to put the money into a Water Stabilization account, but can vote it out with a 2/3's vote. Mr. Garvey said it would kill our economic future for the Town if that happened. Speaking on behalf of the Lakeville Development Corporation, we have no other public water for the Town. Without the water tank, the Town will go backwards and not forward. Selectman Yeatts said if the project is ready by August 1, 2009, the Town gets the money and if others are not ready, then the Town could get their money also. Mr. Goodfellow asked how much will it cost per year on the borrowing. Selectman Yeatts said \$210,000 a year.

Upon the motion made by Mr. Olivier, seconded by Mrs. Hopkins, it was:

VOTED: To recommend approval of Article 18.
Unanimous in favor.

Article 19 – Ms. Garbitt said this article is regarding betterments.

Upon a motion made by Mr. Olivier; seconded by Mr. Hanlon it was:

VOTED: To recommend approval of Article 19.
Unanimous in favor.

Article 20 – Ms. Garbitt explained this article is for senior citizens to apply for a deferral of paying a Betterment Assessment

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: To recommend approval of Article 20.
Unanimous in favor.

Article 21 - Selectman Yeatts stated that she will recommend voting no on this article. This article is placed on the warrant each year in order to reserve our spot on the funding list for the sewer project at Clark Shores.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: Not to recommend approval of Article 21.
Unanimous in favor.

Article 22 – Selectman Evirs said this article is regarding a Conservation Restriction on Town owned land on Howland Road. In order for the relocation of Route 79 to continue, turtle habitat that would be impacted needed to be recreated somewhere else in Town. The Town owns 626 acres on Howland Road and will put a Conservation Restriction on 23 acres.

Upon a motion made by Mr. Olivier; seconded by Mr. Hanlon it was:

VOTED: To recommend approval of Article 22.
Unanimous in favor.

Article 23 – Ms. Garbitt explained this is regarding a temporary easement for the Couet well on Old Main Street.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of Article 23.
Unanimous in favor.

Article 24 – Ms. Garbitt said this article was submitted by the Fire Chief to make his position a Strong Chief.

Upon a motion made by Mr. Olivier; seconded by Mrs. Hopkins it was:

VOTED: To recommend approval of Article 24.
Unanimous in favor.

Article 25 - Ms. Garbitt explained that the Police Chief wanted a stronger penalty regarding smoking marijuana in public.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: To recommend approval of Article 25.
Unanimous in favor.

Article 26 – Ms. Garbitt said the Planning Board is looking to prohibit Electronic Message Signs. The Finance Committee will hold on this article until the Planning Board votes on this.

Articles 27, 28 and 29 are all are about Accessory Apartments. The Finance Committee will hold on these articles as well.

Article 30 - Ms. Garbitt said this is the new Neighborhood Business Overlay District that the Planning Board and the Master Plan Implementation Committee have been working on. Ms. Craig explained that the Planning Board is voting on Articles 30 and 31 this evening. The Finance Committee will hold on these articles. Marilyn Fickert of Hiltz Avenue asked if this change goes all the way down Route 105. Ms. Garbitt responded no. Selectman Yeatts said this is Neighborhood Business, which is different than regular Business. Chairman Maksy said the use would have to keep the character of the neighborhood. They can have no more than six (6) parking spaces. Cynthia Bissell of Main Street said this matter has been going on since Heritage Flowers went in. Some neighbors are not in favor of it, but she was. She thought Neighborhood Business in that area is a great idea. Ms. Fickert said she is in favor of Heritage Flowers being located on Main Street, but she does not want to see it go all the way down Route 105.

Article 31- Ms. Garbitt said this article is the actual rezoning for the Neighborhood Business. The Finance Committee will hold on Article 31

Article 32 – Ms. Garbitt said this article is amending a section of the Mixed Use Development District on Main Street owned by National Development. It is deleting Section 4 and adding a new Section 4. The Planning Board did hold its hearing and recommends approval on the revised wording. Selectman Yeatts said she is not in favor of this.

Upon a motion made by Mr. Olivier; seconded by Mr. Hanlon it was:

VOTED: To recommend approval on Article 32.
Unanimous in favor.

Article 33 – Ms. Garbitt explained that this article is to rezone the McCarrolls' property up to the VanLaarhoven property on County Street. Article 34 rezones just the McCarroll and Doherty properties. The Planning Board recommends Article 33, but not Article 34. The Board voted that they would like to see Article 33 pass. Article 34 would be withdrawn if Article 33 passes. The Finance Committee did not vote on this article.

Article 35 – Ms. Garbitt said this article is to accept Anderson Way as a Town way.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: To recommend approval of Article 35.
Unanimous in favor.

Upon a motion by Selectman Yeatts; seconded by Selectman Evirs it was:

VOTED: To take a ten (10) minute recess at 10:25 PM.
Unanimous in favor.

Upon a motion made by Mr. Olivier; seconded by Mr. Petruzzo it was:

VOTED: To adjourn the Finance Committee at 10:25 PM.
Unanimous in favor.

The Selectmen returned to order at 10:35 PM.

Review Community Recreation FY09 Budget

Mr. Olivier said he looked at the deposits for Community Recreation from July 1st to April 30th, and then the annual budget for expenses. The question is with the last two (2) months of the fiscal year, will the anticipated deposits cover the expenditures for the budget? Mr. Rodrigues said that is a good question. Right now we have \$673,000 in actual deposits. That report lags behind. It is hopeful that it will be in the black. They transferred approximately \$19,000 from E&D last year and this year we hope to break even. Mr. Olivier said there are no expenditures

regarding the pool fuel year to date. Mr. Rodrigues said that has been taken out, we are crediting you so to speak. That is on the updated one. Mr. Olivier said last summer, he did a review of the internal control of Community Recreation, following up on an independent audit that was done. It was reiterated that they should put together a set of financial statements with the allocations going back and forth from the Region. He has not seen those statements since the recommendations. Mr. Rodrigues said he would have to go and check and see how we did the behind the scenes stuff. Mr. Olivier said you really cannot tell until you do the allocations if it really is in the black. Mr. Rodrigues said it is in the black at this particular stage; by June 30th it could be a different story.

Mr. LaCamera said over the past two (2) years, the Regional School Committee paid the deficit out of their budget. He asked if Community Recreation had paid that money back. It was \$97,000 in FY08 and \$39,000 in FY09. Mr. Rodrigues said he did not know if they paid the money back. Mr. LaCamera said the Regional School Committee is using taxpayers' money to fund the Community Recreation program, and he objected to that. Mr. Marshall said it was not that long ago that Community Recreation was paying for itself. Originally when it opened up in the 70's, the program was taking money from the Region, but within five (5) years, it was paying money back to the Region. If a program is not paying for itself, it should be looked at and changed or eliminated. It was paying for itself into the 90's at least. Chairman Maksy suggested that Mr. Rodrigues work with the Finance Committee regarding this issue. It was decided that Mr. Olivier will meet with Mr. Rodrigues and report back to the Selectmen and Finance Committee.

Review and vote to sign Project Funding Agreement-Assawompset School

Ms. Garbitt said the Board needed to vote to sign the Project Funding Agreement for the Assawompset School Roof. We are receiving a \$211,000 reimbursement for the \$422,000 spent on the roof.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To authorize the Chairman to sign the Project Funding Agreement with the Massachusetts School Building Authority for the Assawompset School Roof.
Unanimous in favor.

Review and issue Annual Dog Warrant to Animal Control Officers

Chairman Maksy noted this is the Annual Warrant issued to the Animal Control Officers allowing them to pick up unlicensed dogs in the Town.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To issue the Annual Dog Warrant giving the Animal Control Officers the authority to pick up unlicensed dogs within the Town of Lakeville.
Unanimous in favor.

Review new Conservation Commission Administrative Fee Schedule

Selectman Yeatts said the Conservation Commission has done a survey of other Towns that institute administrative fees. She suggested checking with Town Counsel before the Board makes any decisions. The State sets the fees the Commission can charge, however, they currently do not charge for RDA's, second site visits or other miscellaneous things. These things all take time and work.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To pass the new Conservation Commission Administrative Fee Schedule contingent/subject to Town Counsel approval.
Unanimous in favor.

Request for car wash-Warriors Swim Team-June 20, 2009

Chairman Maksy read the request to use the Town Office Building for a car wash fundraiser for the Warriors Swim Team.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To approve the request by the Warriors Swim on June 20, 2009 for a car wash at the Town Office Building, subject to any policies that may be in place regarding the use of the property. Also subject to the use of biodegradable soap.
Unanimous in favor.

Request for curb cut-Lot 74A Pickens Street

Marcus Baptiste was present for the discussion. He explained that the curb cut request has already been reviewed by the Highway Department and the Planning Board.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To approve the curb cut for Lot 74A Pickens Street, subject to the applicant meeting all the conditions requested by the Superintendent of Streets in his letter dated May 29, 2009.
Unanimous in favor.

Review and vote to award bid-Gravel Removal Project-Ted Williams Camp

Chairman Maksy said that the Park Commission has gone out to bid for a gravel removal project at Ted Williams Camp. The Park Commission recommends that the contract be awarded to T.L. Edwards of Avon, MA at a price of \$4.17 per cubic yard, to be paid to the Town.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To award the bid to T.L. Edwards at a price of \$4.17 per cubic yard to be paid to the Town of Lakeville.
Unanimous in favor.

Discussion occurred regarding obtaining a temporary access permit from MassHighway for an entrance on Bedford Street. Selectman Evirs asked what would invalidate the bid. Ms. Craig responded that the bid price is good for 30 days. Further discussion occurred regarding the bid status.

Vote to accept resignation of William Garvey, Jr. from Board of Health

Chairman Maksy said the Board received a letter from William Garvey, Jr., resigning from the Board of Health, effective June 18, 2009. Ms. Garbitt stated that Mr. Garvey needed to resign due to his retirement.

Upon a motion made by Selectman Evirs; seconded by Selectman Yeatts it was:

VOTED: To accept the resignation of William E. Garvey, Jr. from the Board of Health, effective June 18, 2009.
Unanimous in favor.

Ms. Garbitt said a joint meeting of the Board of Selectmen and Board of Health will be held on June 22, 2009 to fill the vacancy.

Schedule July, August and September meetings

Ms. Garbitt asked the Board to schedule the July, August and September meetings. It was decided to meet on July 20, August 10, August 31, September 14, and September 28, 2009.

Any other business that may properly come before the meeting.

Ms. Garbitt stated that she had received an email from David McQueeney, School Committee Chairman and a memo from Laurie Hunter, Assawompset School Principal regarding the custodian staffing at Assawompset School. Selectman Evirs said if they want to use money out of their own budget, they can do that since they are autonomous. The Board asked for clarification regarding the account balance and how much they think it will cost for the additional custodian staffing for three (3) weeks.

Other Items

1. Letter from Board of Health regarding Ted Williams Camp percolation test
2. Memo from Cemetery Commission regarding Reorganization
3. Letter from LDC regarding possible windmill project

Chairman Maksy explained that the LDC voted to look into the windmill project as a group and this is a great thing.

4. Letter from Chris Peck regarding removal of hazardous trees-Pierce Avenue and School Street
5. Notice from Board of Health-appointment of Jared Darling as Animal Inspector
6. Notice from Town Clerk regarding vacation
7. Information from Marilyn Mansfield regarding Home Energy Savings for Retirees seminar
8. Letter from DEP regarding SRF Borrowers Meeting
Selectman Yeatts stated that she will be attending a meeting on June 12th and June 15th regarding this.
9. Letter from MassHousing regarding The Residences at LeBaron Hills
10. Information from Department of Public Health regarding Massachusetts H1N1 Response
11. City of Taunton Annual Water Quality Report
12. Letter from West Bridgewater Conservation Commission regarding proposed Brockton Power Plant
13. Letter from DOR regarding balance of E&D fund-Old Colony Regional School District
14. Letter from Town of Plympton regarding Board of Selectmen reorganization
15. Plymouth County Cooperative Extension Calendar-May-June
16. MBTA Advisory Board meeting Notice-May 28, 2009
17. Notice of Meeting-Council of SEMASS Communities-June 16, 2009
18. Letter regarding Greater Attleboro/Taunton HOME Consortium
19. SRPEDD election-Southeastern Massachusetts Metropolitan Planning Organization
20. SRPEDD letter regarding establishing the Southeastern Massachusetts Council on Sustainability
21. I-495 Corridor Study Executive Summary from SRPEDD
22. Notice of Meeting-Regional Economic Strategy Committee-June 9, 2009
23. Notice from Attorney General's Office regarding Municipal Investment and Financial Practices seminars
24. Cranberry Country Perspective June newsletter
25. Letter from MassRecycle regarding updating the Massachusetts Bottle Bill
26. City and Town publication-May 2009
27. The Neighborhood Corporation newsletter-Spring 2009
28. Notice from PERAC
29. MassWildlife Advisory
30. Notice from FEMA regarding change in map distribution process
31. Notice from Verizon regarding payment of First Anniversary Peg Grant
32. Letter from Comcast regarding channel line up changes
33. Comcast Review-Connecticut – 1st quarter 2009
34. Comcast Review-Massachusetts-1st quarter 2009
35. Insights newsletter from Wright-Pierce
36. GATRA meeting notice-June 17, 2009
37. Notice from DEP regarding 1 Susan Lane

At 11:30 PM, upon a motion made by Selectman Evirs; seconded by Selectman Yeatts, the Board unanimously:

VOTED: To enter into Executive Session and not to return to Open Session to discuss Collective Bargaining.

Polled vote of Selectman Evirs – aye, Selectman Maksy – aye, and Selectman Yeatts – aye.

Unanimous in favor.